

Appl. No. 10/518,345
Amdt. Dated September 4, 2008
Reply to Office action of June 11, 2008

REMARKS

Applicants thank the Examiner for acknowledging receipt of foreign priority document, Japanese Application No. JP2002-124367, that has been submitted pursuant to 35 U.S.C. § 119 and/or PCT Rule 17.2(a).

Applicants have amended the attached drawings for Figures 1 - 3 to include the designation of "Prior Art" as required by M.P.E.P. §608.02(g).

Without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claim 8 has been cancelled without prejudice or disclaimer.

In regard to the Examiner's objections to claims 2 and 6 - 7, Applicants submit that the Examiner's objections have been obviated by the amendments to the claims. Accordingly, Applicants respectfully request that the Examiner's objections be withdrawn, and these claims allowed to issue.

In regard to the Examiner's rejection of claims 3 - 4 and 8 - 10 under 35 U.S.C. §112, Applicants submit that the Examiner's rejections have been obviated by the amendments to the claims. Accordingly, Applicants respectfully request that the Examiner's rejections under 35 U.S.C. §112 be withdrawn, and these claims allowed to issue.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 1 - 3 and 5 - 10 under 35 U.S.C. §103(a). The Examiner has rejected these claims in view of the cited references of *Guckel et al.* (U.S. Patent No. 5,866,281) in view of *Suwa* (U.S. Patent App. No. 2001/0021546). Applicants submit, however, that the Examiner's rejection under 35 U.S.C. §103 is deficient for at least the reason that the cited references, alone or in combination, fail to disclose each and every element of the invention.

Specifically, Applicants submit that the cited references of record fail to disclose wherein the first thin film portion for exposure comprises a first vulnerable sub-portion that

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has a highest probability of pattern damage within the first thin film portion for exposure, the said second thin film portion for inspection comprises a second vulnerable sub-portion that has a highest probability of pattern damage within the second thin film portion for exposure, such that the second vulnerable sub-portion has a higher probability of pattern damage than said first vulnerable sub-portion.

As set forth on pages 8 – 9 of the specification, one embodiment of the present invention is directed to a mask having a mask region for exposure and a mask region for inspection, the mask region for inspection providing for the ability to determine the current degree of damage to the mask in general, and to predict pending or current damage to the mask region for exposure.

As set forth on pages 34 – 42 of the specification, by causing the pattern formed in the mask region for inspection to be easier to destroy than the pattern formed in the mask region for exposure, it is possible to predict current or pending damage to the mask region for exposure by inspecting and monitoring only the mask region for inspection. By being able to predict damage to the mask region for exposure prior to actual failure, substantially increased manufacturing costs and wasted process steps are prevented by avoiding the use of such exposure masks prior to failure during actual process use.

The cited references of record fail to disclose such a feature or invention. What's more, Suwa actually teaches away from such an invention. As noted by the Examiner in the last action, Suwa does disclose the variation of pattern line width in paragraph [0026] of the disclosure. However, Suwa further discloses that it is preferable to form two inspection pattern groups TP1 and TP2, such that the first pattern group TP1 has line widths equal to the line widths of the actual exposure circuit pattern CP, and the second pattern group TP2 has line widths larger than the line widths of the actual exposure circuit pattern CP.

Accordingly, at no point does Suwa disclose, teach, or suggest the formation of a test

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pattern that is subject to earlier failure than the actual circuit pattern, but in stark contrast, actually teaches the formation of a test pattern that is subject to much later failure than the actual circuit pattern.

In regard to the substance of paragraph 21 of the Examiner's rejection (page 6 of the Office Action), Applicants submit that the Examiner has failed to set forth any evidence to support such an assertion. As noted above, the Suwa reference actually teaches away from such a structure. Accordingly, Applicants respectfully request the Examiner set forth evidence supporting the assertion made in paragraph 21, or withdraw the assertion.

In light of the forgoing, Applicants submit that the Examiner's rejection under 35 U.S.C. §103 should be withdrawn, and claims 1 – 3 and 5 – 10 placed in condition for issuance.

In regard to the Examiner's rejection of claim 4 under 35 U.S.C. §103, Applicants submit that, for at least the reasons noted above, the Suwa and Guckel references fail to disclose each and every limitation of the currently claimed invention. The Suzuki reference does not compensate for the failed teachings of Suwa and Guckel.

In light of the forgoing, Applicants submit that the Examiner's rejection under 35 U.S.C. §103 should be withdrawn, and claim 4 placed in condition for issuance.

The Examiner's remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant's currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

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In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

9/2/08

(Reg. #37,607)

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Drawing Amendment:

Applicants respectfully request the amendment of Figures 1 - 3 to include the designation of "Prior Art" as required by M.P.E.P. §608.02(g). Attached are the drawings at issue including replacement sheets.